

# CHAPTER IV.

## THE GENERAL ASSEMBLY

All delegations are represented on each committee of the General Assembly. Two topics will be discussed in each committee, as listed below. Any resolutions passed on these topics will be automatically submitted to the General Assembly Plenary session for final approval. To allow all Representatives an equal opportunity for preparation, resolutions will only be accepted on the topics listed in this handbook. No new topics will be accepted in the General Assembly.

### BACKGROUND RESEARCH

#### THE FIRST COMMITTEE (DISARMAMENT AND INTERNATIONAL SECURITY)

##### PREVENTION OF THE VIOLENT DISINTEGRATION OF STATES

Since the end of the Second World War, the nature of international conflict has undergone a major transformation. Clear battle lines between nations were drawn and the enemy was often found at the border. Fewer and fewer modern conflicts follow the classic model. The majority of conflicts that have occurred since the end of the Cold War are predominately intrastate, rather than interstate in character. Rapid demographic, environmental and political changes have created conditions that economic and governmental infrastructures were not ready to properly address. As a result of this vacuum of leadership, nationalism created a powerful force around which to rally and conflict began, leading toward the violent disintegration of States.

Ethnic and religious identification became powerful motivators, in addition to enormous pressures created by population growth, stress on global life support systems and the globalization of the economy. These pressures helped to create some of the most bitter social unrest and ethnic conflicts in areas such as Bosnia, Rwanda, Chechnya, Israel and Afghanistan. It is this unrest, and occasionally violent exchanges which follow, that has become a new threat to international security.

The violent disintegration of States can often result in human rights abuses, economic stagnation, and social discontentment. The implosion of national law, authority and order can result. As a result of a weakness of national structures and order, citizens look to whomever will create some semblance of normalcy. One controlling group or a weak government may form rules that benefit their particular ethnic or religious group. This may inspire further violence and result in a real or perceived suppression of an another group's rights. This real or perceived situation may lead to riots, terrorist attacks, and secessionist movements.

People who perceive a threat to their families' safety may choose to flee, either to another part of the county or across a border, where they feel safer. These refugees are often a source of further conflict. Additionally,

refugees can place a large strain on the resources of the country to which they flee. To further complicate matters, in places of extreme conflict, humanitarian organizations that fear for the safety of their personnel are in a difficult position. They have to choose whether to fulfill their mission or place people in unreasonable danger when they have to travel to places in which they are unwelcome.

While the violent disintegration of States may appear to be internal, movements are often unsuccessful without the support from outside groups or other States. States which feel an ethnic kinship to a dissenting group or which are not on friendly terms with another state may for their own purposes support and shelter groups which seek to topple the current government. Global and regional powers therefore have a great effect on the outcome of ethnic conflict.

These severe conflicts have led to the United Nations' classifying the prevention of the violent disintegration of States as a key issue to the maintenance of international peace and security. The UN has stressed the importance of the development of good neighborliness and friendly relations among States and reaffirmed the principle of the inviolability of international borders. It has also acknowledged and encouraged the contributions of current UN organs, regional organizations, and member States in their efforts to prevent the violent disintegration of States.

The UN continues to examine this topic as the nature of ethnic conflict grows and evolves. Additional measures may help to prevent the growth of this type of ethnic conflict. Recently, the UN held a conference to curb the trafficking of small arms. Later this year, a conference will be held to address racism and xenophobia. In the fall, the Food and Agricultural Organization will hold a World Food Summit. These conferences will help to bring attention and to address some of the issues that are the root of internal conflicts. A multi faceted approach must be taken where the causes of conflict may be a competition for resources, but ethnic identification makes an easy scapegoat and



the ease of obtaining weapons makes the expression of frustration violent.

The right of a group to self determination is largely accepted by the world community. However, this right does not give license for one idealistic or nationalistic group or government to suppress another. The continued examination of this issue from many angles must continue to properly prevent the violent disintegration of States.

Questions to consider from your government's perspective on this issue include:

- How can the UN prevent the violent disintegration of States without suppressing an ethnic group's right to self determination?
- At what point should the UN intervene? What factors i.e. human rights abuses may overrule the sovereignty of the state?
- Which solutions to ethnic conflict have been successful in your country or region? Which solutions to ethnic conflict have been unsuccessful in your country or region?
- How do demographic and environmental changes impact civil strife?

### **Bibliography:**

- "Autonomy Plan Signed; Violence Continues." *UN Wire*, May .
- Frckoski, Ljubomir. Statement before the North Atlantic Cooperation Council in Ministerial Session." Brussels, December .
- International Committee of the Red Cross. "New Conflicts Armed Conflicts linked to the disintegration of State Structures." January .
- Kahl, Colin H. "States, Scarcity, and Civil Strife in the Developing World." Institute of War and Peace Studies. Columbia International Affairs Online, April .
- "UN Envoy Argues For Broader Peace In Balkans." *UN Wire*, January .
- "UN Will Face Big Challenge In Peacekeeping." *UN Wire*, February .
- United States Institute of Peace, Peaceworks #
- "Yugoslavia, Serbs Criticize Tomorrow's Vote." *UN Wire*, October .

### *UN Documents:*

- A/ /
- A/ /PV.
- A/RES/ /
- A/RES/ /
- A/RES/ /
- A/C. / /PV. through A/C. / /PV.
- A/C. / /L. /Rev.
- A/C. / /L. /Rev.

Press Release GA/DIS/

### *Additional Web Resources:*

- [www.oneworld.org/euroconflict](http://www.oneworld.org/euroconflict)
- [www.cc.columbia.edu/cu/cria/SigTops/ciaoTxt.html](http://www.cc.columbia.edu/cu/cria/SigTops/ciaoTxt.html)

### **PRESERVATION OF AND COMPLIANCE WITH THE TREATY ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS**

As a bilateral agreement, the Treaty on the Limitation of Anti Ballistic Missile Systems ABM Treaty is typically outside the realm of United Nations discussion. The broad ranging significance of the ABM Treaty, however, has often placed it on the agenda of the GA. In particular, the cessation of this treaty by one or both of its parties could have serious security repercussions for the entire international community.

The ABM Treaty was signed between the United States of America and the Union of Soviet Socialist Republics in . It is considered to be one of the beginning points of a long series of strategic arms control accords between the US and the USSR. The ABM Treaty bans the deployment of systems to provide defense from ballistic missile attack on a national scale. However, the Treaty does permit some basic research of such systems and originally permitted each party to the Treaty to protect two areas from ballistic missiles, one set of missile silos and to protect each party's national capital. The Treaty has since been amended to limit defenses to one site and the parties to the treaty now include several former Soviet republics.

In the s, US President Ronald Reagan proposed the Strategic Defense Initiative SDI which would have created a comprehensive shield from ballistic missile attacks, based largely on space based lasers that would be able to shoot down incoming missiles. SDI, known as "Star Wars" by its critics, would have violated the ABM Treaty and although research was conducted, deployment of the system never occurred. While research into alternative systems continued under President Bush, the Gulf War became a distraction.

The Patriot Air Defense system that was employed during the Gulf War spurred a US Republican Congress to pass the National Missile Defense Act. Missile defense was not a large priority for the Clinton administration and President Clinton ultimately chose to postpone an ultimate decision on a National Missile Defense NMD System to the next president. He cited several reasons for not proceeding with a NMD including the lack of reliable technology, the refusal of the Russian Federation to revise the ABM treaty to accommodate a US NMD and a lack of political support from US allies.



US President George W. Bush, however, is a strong advocate of deploying a NMD and has made it clear that he is willing to abandon the ABM Treaty if necessary for deployment. Since President Bush took office in January of 2001, the US Government has conducted one partially successful test of a NMD system and says that it may be necessary to amend or to abrogate the ABM Treaty sometime this year.

Proponents of developing a NMD system argue that since the end of the Cold War, a possible nuclear attack from Russia no longer signifies a potential threat to US national security. Rather, new threats such as attacks from “rogue States” or terrorist organizations warrant the deployment of a missile shield. They further argue that the ABM Treaty represents old thinking about strategic issues and that it is time to re-contemplate strategic arms control in general.

Opponents of the NMD system, including the Russian Federation and the European Union (EU), argue that deploying such a system will be harmful for two main reasons. First, they claim that the ABM Treaty is the cornerstone of all strategic arms control and that abrogating it would seriously undermine, if not destroy, strategic arms control. Additionally, cessation of the treaty would likely bring about a new arms race, with both the Russian Federation and China potentially involved. Further, they argue that the space-based portions of the system will spur a new type of arms race, leading to the weaponization of outer space.

The General Assembly has in recent years adopted resolutions calling for the preservation of the ABM Treaty. One concern to address is whether or not this is a bilateral US-Russian Federation issue and is thus not an appropriate topic for UN discussion. With regard to future UN action, balance needs to be found between the maintenance of international peace and security without prejudicing possibly on-going strategic negotiations between the parties directly involved.

Questions to consider from your government’s perspective on this issue include:

- What role should the UN and other multilateral organizations play with regard to the ABM Treaty and missile defense systems?
- How has the international strategic climate changed since the end of the Cold War? Is there a need to rethink how arms control and nonproliferation is enforced?
- What steps, if any, can and should be taken to prevent the weaponization of outer space?

## Bibliography:

This topic is very timely and this list represents just a small sample of relevant articles. The following publications are highly recommended for research on this topic in addition to standard periodicals:

- *Arms Control Today*
- *The Bulletin of the Atomic Scientists*
- *Disarmament Diplomacy*
- *The Non Proliferation Review*
- Pravda on line [english.pravda.ru/](http://english.pravda.ru/): good source of Russian perspectives on this and other current issues

Boese, Wade. “Top Pentagon Officials Make Case for Layered Missile Defense.” *Arms Control Today*, April 2002.

Dewar, Helen. “Russia Denounces U.S. Missile Test.” *Washington Post*, July 2002.

Galbraith, James. “The Dangers of National Missile Defense,” *Boston Globe*, May 2002.

Jaffe, Greg and Robbins, Carla Anne. “Bush’s Planned Missile Shield Program May Violate ABM Treaty Within Months.” *Wall Street Journal*, July 2002.

Krauthammer, Charles. “The Bush Doctrine.” *The Weekly Standard*, June 2002.

“Pakistan Warns US Against Missile Defense Plan.” *UN Wire*, January 2002.

Sanger, David. “Bush and Putin Tie Antimissile Talks to Big Arms Cuts.” *The New York Times*, July 2002.

Smith, Col. Daniel Ret. . “A Brief History of “Missile” and Ballistic Missile Defense.” Center for Defense Information Various Official Documents Related to the ABM Treaty.

“UN Official Outlines Drawbacks Of US Plan.” *UN Wire*, May 2002.

### UN Documents:

A/RES/56/15 B November 2001

A/RES/56/15 A

A/RES/56/15

A/RES/56/15

GA/DIS/56/15

GA/DIS/56/15

GA/DIS/56/15

### Additional Web Resources:

[www.cdi.org/hotspots/issuebrief/ch/index.html](http://www.cdi.org/hotspots/issuebrief/ch/index.html)

[www.state.gov/www/global/arms/treaties/abmpage.html](http://www.state.gov/www/global/arms/treaties/abmpage.html)



## THE SECOND COMMITTEE (ECONOMIC AND FINANCIAL)

### EXTERNAL DEBT CRISIS AND DEVELOPMENT

The debt crisis of the world's Less Developed Countries LDC began in the late twentieth century. Rising oil prices and falling commodity prices left developing nations with current account deficits, often financed by foreign loans. At the same time, most developing nations also borrowed for investment and development. Many of the loans made by banks, foreign governments, and international institutions failed to generate intended revenue and left countries without resources to repay what they had borrowed. Whether the money was lost to theft by a corrupt government, wasted in failed import substitution schemes, or spent on military buildup to fight a war, by most of the Highly Indebted Poor Countries HIPC were unable to make payments on their debt.

The International Monetary Fund and World Bank, along with the Paris Club lenders rescheduled most of the debt. In effect most of the private debt owed to large western banks and corporations was paid off through new loans from international or bilateral lenders. Now, at the beginning of the new millennium developing nations are again facing mounting problems making debt payments, only to a new group of lenders.

While most nations are current in their debt payments, it is often at the expense of basic government services. Many LDCs are spending more on debt repayment than basic health services and education. The cycle of debt hinders investment in human capital and creates an impediment to development. For some nations, the debt burden has become unsustainable, meaning that current revenues are not sufficient even to make payments on foreign debt.

Secretary General Kofi Annan wrote in his Millennium Report, "debt relief must be an integral part of the international community's contribution to development." He highlighted the need to declare a moratorium or cancel debt for nations that were involved in major conflicts or experienced natural disasters that left them unable to meet debt payment schedules.

The HIV/AIDS crisis compounds the debt crisis of the developing world. To stop the spread of the virus LDCs need money for basic health services and education/prevention, but none is available. While governments may have more funds to spend on health services after debt relief, they are faced with withering foreign aid since the end of the Cold War.

In an attempt to find a humanitarian response to the crisis, several plans by individual governments and multinational organizations have attempted to alleviate the debt burden. These plans have the dual goal of providing relief to the developing world by reducing the

debt burden, and increasing national governments spending on development.

In September , the IMF and World Bank launched a program called The Initiative for the Heavily Indebted Poor Countries to provide assistance to countries with unsustainable debt burdens. The program is open only to countries facing a debt burden beyond available debt relief mechanisms and willing to reform their macroeconomic policies. A country must agree to a Poverty Reduction Strategy Paper, which usually includes provisions to increase tax revenues, reduce protectionism in trade, and allow less government interference in currency markets. Many call the conditions placed on debt relief unfair. These programs do not provide emergency relief because the "decision point" date, when debt relief will begin, is set to allow time for a country to implement macroeconomic policy changes. Because the program is only open to the poorest countries, many middle income nations hindered in development due to large debt burdens are excluded.

The most dramatic of the plans, developed by the Paris Club group of lenders, called for a complete write off of the official bilateral debt for the world's poorest countries. Although this promises to reduce the debt burden for the world's poorest countries, it must be funded through the national budgets of the industrialized nations. The IMF and World Bank do not endorse widespread debt cancellation because they assert it will undermine the confidence of foreign investors in the creditworthiness of developing nations. In the last decade private capital flows have become the main source of new investment for developing nations, and are considered essential for long term economic growth. Also, widespread cancellation of multilateral debt would impose a sizeable burden on the industrialized nations that are the main contributors to both the IMF and the World Bank. No countries have received actual debt relief under this plan.

One alternative to cancellation is debt swapping. Under debt swapping programs industrialized nations cancel part of a debt in exchange for a readily available resource. The earliest of these plans canceled debt to some Latin American countries in exchange for long term leasing of rainforest land to aid conservation. These programs usually have requirements debtor nations can easily meet. However, such programs have failed to materialize into global relief.

With the Millennium Declaration A/RES/ / , the General Assembly recognized the debt burden faced by the low and middle income developing countries as an impediment to development. In addition to debt relief the resolution introduced the suggestion of duty and quota free access for essentially all exports from the



LDCs. This would allow them to earn foreign currency to help repay their debt.

In Resolution / the General Assembly called on industrialized nations to agree to cancel all bilateral official debts of the HIPC's. This resolution further emphasized that debt cancellation and rescheduling should not be considered a substitute for development assistance and foreign aid. It also stressed the need for the HIPC's to participate in planning that will redirect money spent on debt payments to poverty reduction programs.

A solution to the debt crisis is necessary for the world's poorest countries to be able to move forward with development goals. Any feasible solution must address the different types of debt faced by a wide range of countries. Integral to solving the debt crisis is a mechanism to prevent future unsustainable borrowing. Without action the LDCs will be forced to continue deciding between paying creditors and serving the needs of their citizens.

Questions to consider from your government's perspective on this issue include:

- What is your government's position on debt cancellation programs? What is your government's current position within the IMF and World Bank?
- What nations should be eligible for debt reduction or cancellation? Should eligibility be based on per capita income or other development indicators?
- How can the international community be assured that the money saved by debt alleviation is spent on reducing poverty and providing basic social services?
- What are appropriate concessions that the industrialized world can expect in exchange for debt alleviation programs? What are the responsibilities of creditor nations in making unsustainable loans?
- What alternatives to cancellation exist? What are possible ways to expand debt swapping programs?
- What implications for private capital flows do debt alleviating programs have? What is the net influence of debt reduction on the development of a country?

### **Bibliography:**

Annan, Kofi. *We the Peoples The Role of the UN in the 21st Century*: Secretary General's Millennium Report. [www.un.org/millennium/sg/report/full.htm](http://www.un.org/millennium/sg/report/full.htm)

*Debt Relief under the Heavily Indebted Poor Countries HIPC Initiative*: A Fact sheet of the International Monetary Fund. April . [www.imf.org/external/np/hipc/hipc.htm](http://www.imf.org/external/np/hipc/hipc.htm)

Jeter, Jon. "When Cutting Debt Brings Little Relief." *Washington Post*, June .

Kahn, Joseph. "Wealthy Nations Plan a Doubling of Debt Relief." *The New York Times*, September .

"Reform School." *The Economist*, April .

*The Oxfam Poverty Report*. Oxford: Oxfam Printing, .

Wade, Robert. "Global Inequality." *The Economist*, April

The World Bank. *Can Africa Claim the 21st Century?* New York: Oxford University Press, .

Wren, Christopher. "The U.N. Offers Remedies To Help Poor Nations Develop." *The New York Times*, February .

### *UN Documents:*

A/RES/ /  
A/RES/ /  
A/RES/ /  
A/RES/ /  
A/RES/ /  
GA/  
GA/  
GA/  
E/CN. /RES/ /

### *Additional Web Resources:*

[www.jubileepius.org](http://www.jubileepius.org)  
[www.dropthedebt.org](http://www.dropthedebt.org)  
[www.bicusa.org](http://www.bicusa.org)  
[www.oxfamamerica.org/news](http://www.oxfamamerica.org/news)  
[www.worldbank.org/ida](http://www.worldbank.org/ida)  
[www.imf.org/external/np/exr/facts/hipc.htm](http://www.imf.org/external/np/exr/facts/hipc.htm)

### **WATER SUPPLY AND SANITATION**

While it has remained a relatively low profile issue in the eyes of the American public, water supply and sanitation is, for many countries, a matter of national security and one of national survival. In spite of the fact that the Earth is called a "blue planet" because of the amount of water in its oceans, only about 3% of the earth's water is accessible for human use. This limited water supply is under increasing stress with the increasing human population, and the loss of fresh water supplies due to pollution and climate change.

The global water related statistics provided by the United Nations Environment Programme are sobering. Currently, 1/3 of the world's population faces water shortages. That figure will rise to 2/3 by 2025, and affect fifty countries. In Africa, twenty five countries will face water stress or scarcity by 2025. In Asia, one in three people lacks access to safe drinking water. More than half of Europe's cities are over exploiting groundwater reserves. As a result, not only are there groundwater shortages, but countries report groundwater pollution by nitrates, pesticides, heavy metals and hydrocarbons. West Africa faces particular pressure on groundwater resources as the volumes withdrawn far exceed natural recharge rates.

Water scarcity has many causes, including inefficient use and degradation of available water by pollution and



the over consumption of water in underground aquifers. Many of the problems that are now being faced by those in the water sanitation and supply industries have human causes. Thus it is up to humans and human institutions, such as the United Nations, to construct solutions.

To this end, the UN has taken several steps. In 1992, the nations of the world met in Mar del Plata, Argentina, to discuss fresh water matters. In 1993, they met again, first in Dublin and later that year in Rio de Janeiro at the UN Conference on Environment and Development. Agenda 21 of the Earth Summit in Rio de Janeiro is considered the first comprehensive set of water related objectives adopted by the world community. In 1993, the General Assembly established 22 March as World Water Day, in order to draw more attention to global water management issues. The latest action taken by the UN was a conference on fresh water issues in March 1997 in Singapore.

In 1997, five years after the Earth Summit, the UN General Assembly met in special session to review the progress of the global community in achieving the goals of the Earth Summit. From this session came the *Comprehensive Assessment of Freshwater Resources of the World*, the first report of its kind. The report detailed the impact poor land and water use decisions are having on human and natural environments. A second report, which will be released in 1998, was commissioned, and plans were made for a conference on freshwater issues, also to take place in 1998.

There are wide repercussions of ineffective water supply management. Some potential environmental disasters are expected because of specific water management decisions. One such issue is the Euphrates Project in Turkey, which threatens to completely cut off drinking water and irrigation supplies to several Middle Eastern States; one nation's choice may impact an entire region. Another example is the hard mineral dumping in Tibet, which threatens two of China's major sources of fresh water, which could impact nearly a billion people.

Other issues are far wider in scope and more far reaching in their policy implementation. Many nations must look at their use and protection of water resources and drastically decrease their water consumption. Plans for the reduction or complete cessation of waste water discharge into hydrological systems must be created. Other avenues to be explored include more use of local waters through seasonal and long term river runoff regulation, salt and brackish water purification, use of secular storage in water bodies, and spatial and temporal redistribution of water resources.

However, none of these policies are without cost. All of these measures will require rather large expense on the part of participating countries; not only must nations find funding, in some cases they must change consumption patterns. Current and future measures will have far

reaching ecological consequences. The Three Gorges Dam Project in China could displace several hundred thousand people through flooding, without creating a consumable freshwater source because of current ground pollution. In other words, effective policies must be created before more of the world faces great water stress.

Questions to consider from your government's perspective on this issue include:

- What is the status of your country's water supply, and how might that change in the next ten to twenty years?
- What kinds of incentives and resources must be provided by UN member States to promote responsible water policies?
- On whom should the primary burden of providing the resources necessary to shore up adequate fresh water resources rest?
- How can the United Nations provide the information and resources necessary to alleviate current fresh water crises and prevent future ones?

### **Bibliography:**

- "As World Day Marked, UNEP Warns of Shortages." *UN Wire*, March 1997.
- "International Conference Looks for Solutions to Shortages." *UN Wire*, March 1997.
- "Looming Shortages Could Cripple Much of the World." *UN Wire*, February 1997.
- "Municipal Authorities Meeting on Water Management." *UN Wire*, December 1997.
- "UN World Water Development Report: UN Organizations Combine Efforts to Create Biennial Assessment of World's Freshwater." News Release, UNESCO, [www.unesco.org](http://www.unesco.org)
- UNEP. "United Nations Environment Programme Water Strategy." UNEP Program Paper. [www.unesco.org](http://www.unesco.org)
- UNESCO. "Message from the Director General of UNESCO on the occasion of World Water Day 1997." World Water Day 1997. [www.unesco.org](http://www.unesco.org)
- UNESCO. "Safeguarding the Future." World Water Day 1997. [www.unesco.org](http://www.unesco.org)
- UNESCO. "Water for the 21st Century." World Water Day 1997. [www.unesco.org](http://www.unesco.org)

### *UN Documents:*

- A/Res/ 48/ 22
- A/Res/ 48/ 23
- A/Res/ 48/ 24
- A/Res/ 48/ 25
- A/Res/ 48/ 26
- GA/EF/ 4823
- UNEP/ 48/ 22
- ENV/DEV/ 1997/ 1



# THE THIRD COMMITTEE (SOCIAL, HUMANITARIAN AND CULTURAL)

## REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

The United Nations High Commission for Refugees UNHCR was established by the General Assembly in 1950 to address the situation in Europe following the conclusion of the Second World War. Originally given a limited mandate to help resettle millions of European refugees, its scope was extended as refugee crises increased around the globe. As interstate and intrastate conflicts caused many peoples to flee their home country to escape political, racial, religious, national and/or social persecution, UNHCR stepped in to provide protection and assistance to both refugees and host countries. In the last fifty years, UNHCR has provided assistance to at least fifty million people.

Recognized as one of the world's principal humanitarian relief agencies, UNHCR has provided assistance in almost every corner of globe. It continues to address the issues of protection, the prevention of refoulment the forced repatriation of refugees and seeks long term durable solutions through voluntary repatriation or integration in a third country. Guided by the Convention on the Status of Refugees and the Protocol, UNHCR seeks to safeguard the rights of all refugees based on established principles of international law. Its humanitarian activities are thus apolitical and are characterized by impartiality. Although its mandate clearly defines who can be considered a refugee, at times UNHCR has been authorized to assist groups internally displaced because of civil conflict or political oppression, or groups which are considered stateless peoples.

Recently, a several issues concerning the fate of refugees have begun to complicate the efforts of UNHCR to effectively carry out its mandate. Given the changing nature of conflict, from interstate to intrastate, the ability of UNHCR to provide protection to refugees under international and national law has become uncertain due to a lack of respect for the rights of refugees by many nations around the globe. As most conflicts originate in the developing world and most refugees are themselves constituents of developing nations, the socioeconomic, environmental, and political impacts of refugees are taking a heavy toll on these nations. Although UNHCR provides both protection and assistance in the management of refugees, the issues of burden sharing, financial assistance, and material and logistical support have hampered efforts in some cases.

In addition, as highlighted by the conflicts in the Balkans, the Great Lakes Region in Central Africa, and in other volatile regions, the safety and security of UNHCR

personnel and other UN sponsored humanitarian personnel have been the focus of both the General Assembly, the Security Council and the Secretary General. In particular, over forty UNHCR personnel have lost their lives in the last four years alone, underscoring the need to find a way to better protect UNHCR humanitarian missions.

Under the direction of the new UN High Commissioner for Refugees, Ruud Lubbers, a renewed emphasis on the environmental impacts of refugees is expected. Already UNHCR missions take into account the needs of the host country in allowing refugee camps to be established and the possible environmental impacts to the area these camps occupy. As more and more missions address issues of basic needs, education, employment, and other long term concerns associated with peace building, the environment in which these issues are addressed plays a central role in manner in which refugees are received and repatriated.

Finally, two key issues remain unsolved as UNHCR continues to provide protection and humanitarian assistance: providing temporary assistance and ensuring State compliance with respect to current international laws regarding the safety and status of refugees. Any solutions generated by this committee need to address these issues as they have been the focus of both the Secretary General and the Security Council.

Questions to consider from your government's perspective on this issue include:

- How can UNHCR better serve its mandate via new internal coordination efforts on the part of the UN?
- How can the UN guarantee the safety and security of its own personnel in humanitarian operations without losing its impartiality?
- What role does the UNHCR have in protecting the environment?
- How can the UNHCR secure great sources of funding for its humanitarian operations?

### Bibliography:

- "UNHCR Mission Statement." June .  
www.unhcr.ch/un&ref/mission.htm
- "What is UNHCR?" June . www.unhcr.ch/  
un&ref/what/what.htm.
- Lubbers, Ruud. "The Environment in Refugee  
Operations: We Need to Care." July .  
Interview. www.unhcr.ch/un&ref/lubbers/envir-  
on.htm
- "Funding and Donor Relations. Global Appeal."  
July . www.unhcr.ch/fdrs/ga /protect.htm

UN Documents:  
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## RIGHT OF PEOPLES TO SELF-DETERMINATION

Although the United Nations was heavily involved with decolonization and trusteeship during the Cold War, since a new emphasis has been placed on the rights of peoples to self determination. Civil wars and internal conflicts, driven by ethnic, religious and other tensions, have led to new calls for independence by sub national groups in many parts of the world. Problematically, the question of self determination has come face to face with the rights of territorial sovereignty of each state as embodied in the UN Charter.

There are still seventeen territories under the control of the UN. These territories are overseen by the Special Committee of . Members of this group are elected by the General Assembly. The role of this Special Committee has changed over the last few years as the UN has also begun to change its role. Today the role is one of nation building rather than simply aid. A specific case of this is that of East Timor which was rocked by violence and left in ruins.

The General Assembly in passed two resolutions, and XV , which deal specifically with the rights of peoples to self determination. These resolutions define the roles of the administering States as well as the native people. These are the building blocks that territories seeking independence use to build a case for support from the UN.

In the s, however, the violence in the Former Yugoslavia and East Timor placed the question of self determination on the world stage. In February , the General Assembly passed a *Universal Realization of the Right of Peoples to Self Determination*. This resolution calls continuing attention to the plight of refugees, the negative impact of foreign military intervention and the associated human rights violations. The General Assembly implores governments to cease such activities.

Most importantly though, self determination was reaffirmed as a human right. "...The universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such right."

This right is not universally upheld. Several nations feel that allowing ethnic minorities self determination is an administrative challenge that may upset internal power structures. The issue of self determination in Kashmir has caused a ceaseless conflict. Similarly, there does not appear to be a settlement between Israel and the Palestinians on the foreseeable horizon.

The General Assembly has, therefore, suggested continuing progress reports. Work on the effects of mercenaries and foreign military actions will continue. Progress to protect the rights of people to self determination, in other words, has hurdles to jump, but keeps moving in the right direction.

Questions to consider from your government's perspective on this issue include:

- How does your government define the "right to self determination?"
- How far should the UN intervene with territories seeking independence?
- How may racism and the struggle for self determination be linked?
- What are some of the challenges to realizing self determination as a human right?

### Bibliography:

- "Independence Groups Pledge To Share Power." *UN Wire*, July .
- "Leaders Want UN To Speed Transition To Local Rule." *UN Wire*, May .
- "Panel Hears Reports On Self Determination, Mercenaries." *UN Wire*, March .
- "UN Caught Between Conflicting Values." *UN Wire*, Sep .
- "UN Commission Supports Palestinian State." *UN Wire*, April .
- "UN Seminar Opens In Cuba." *UN Wire*, May .

### UN Documents:

- A/C. / /L.  
A/C. / /L.  
A/ /  
A/ /  
A/Res/ /  
A/Res/ /  
A/Res/ /  
GA/SHC/  
GA/SHC/

### Additional Web Resource:

[www.unhcr.org](http://www.unhcr.org)





## THE SIXTH COMMITTEE (LEGAL)

### REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND THE STRENGTHENING OF THE ROLE OF THE UNITED NATIONS RELATED TO ECONOMIC SANCTIONS

As the work of the United Nations continues to evolve in the wake of political, environmental and economic changes, so must the organization. Consequently, one of the issues on the agenda of the Special Committee on the United Nations Charter on Strengthening the Role of the Organization is the question of economic sanctions.

Economic sanctions consist of a deliberate government withdrawal, or threat of withdrawal, of customary trade or financial relations. Sanctions have been used to pressure nations into abandoning an unpopular practice. Currently, the UN has economic sanctions against Iraq to pressure Saddam Hussein into cooperating with the international community.

Economic sanctions are allowed under Chapter VII of the UN Charter, and must be imposed by the Security Council. Article 41 mandates universal compliance with economic sanctions imposed by the Security Council. However, Article 41 requires the consideration of the effects of sanctions on other member nations: "If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems."

This universal compliance introduces an unintended consequence. In a global marketplace, economies are sometimes inextricably linked. Because of this, adjacent nations can be negatively impacted by sanctions imposed upon a neighbor. It is clearly the intent of the Charter to consider these negative effects. Therefore, it becomes imperative to fully address this challenge.

The Special Committee, therefore, examined these issues and created several reports. The reports included suggestions ranging from creating financial trust mechanisms for relief efforts to monitoring the effects on third states to consulting with affected nations prior to imposing sanctions. It is the improved monitoring practices, increased consultation with affected states and more technical assistance to affected states that has the most international political support.

As a result of the work of the Commission and the Sixth Committee, the Security Council and its Sanctions Committees have taken actions. In Resolution 1541, the efforts of the Security Council to improve the flow of communication and improve the transparency of the sanctions committees were recognized. Yet, this

resolution also recognized that there is more work to be done, and encouraged the Security Council to establish further mechanisms and procedures in which to better analyze the impact of sanctions on third states.

The General Assembly also looked to the Secretary General for action on addressing the challenges related to economic sanctions. The General Assembly called upon the Secretary General to continue developing monitoring mechanisms to determine the impact of sanctions and to provide better technical assistance regarding international assistance. An important consideration in many countries facing sanctions involves the human rights and needs of the target populace. Sanctions tend to have a highly adverse effect on the poorest segments of society if not well targeted toward the leadership. Additionally, the possible detrimental effects of sanctions on third states who lose trade or are otherwise negatively impacted are key issues. The General Assembly has both commended the recent progress and looked to the future for further developments.

Questions to consider from your government's perspective on this issue include:

- Are economic sanctions ever an effective tool for use by the UN? If so, under what circumstances should sanctions be applied? What form should sanctions take?
- How can sanctions be better targeted at leadership to avoid harming the innocent citizens of the affected country?

#### Bibliography:

- "Annan Advocates More Effective, air Measures." *UN Wire*, November .
- "Committee Finalizes Report To General Assembly." *UN Wire*, April .
- Doxey, Margaret P. *United Nations Sanctions: Current Policy Issues*. Halifax, Nova Scotia: Dalhousie University, .
- "Egypt, Turkey, Syria Defy UN Sanctions." *UN Wire*, October .
- "Former UN Aides Say Sanctions Amount to Genocide." *UN Wire*, June .
- "Infant Mortality Rates Doubled Since Gulf War\_Report." *UN Wire*, May .
- Norström, Ambassador Per, Deputy Permanent Representative of Sweden on behalf of the European Union. Statement to the Special Committee on the Charter of the United Nation and on the Strengthening of the Role of the Organization. April .
- "Russian Flight Lands Without UN Approval." *UN Wire*, August .



“Sanctions Continue to Exacerbate Poverty, Health.” *UN Wire*, July .

“Sanctions Drive Children From School, UNICEF Says.” *UN Wire*, June .

“Sanctions Talks Begin At UN Headquarters.” *UN Wire*, February .

“Second UN Relief Official Resigns Over Sanctions.” *UN Wire*, February .

“Security Council To Review Policy.” *UN Wire*, April .

“Study Finds UN Sanctions Affected Child Mortality.” *UN Wire*, March .

“UN Considers Changing To More Targeted Measures.” *UN Wire*, February .

United Nations Association of the United States of America. *A Global Agenda: Issues before the 67th General Assembly of the UN*. Lanham, MD: Rowan and Littlefield, .

“UNHCR Laments Donor Apathy, Refugee Fatigue.” *UN Wire*, December .

*UN Documents:*

A/RES/ /

A/RES/ /

A/RES/ /

A/RES/ /

A/RES/ /

A/RES/ /

A/RES/ /

GA/L/

GA/L/

*Additional Web Resource:*

Global Policy Forum UN Sanctions Committees, Statements, Working Papers and Press Releases: [www.globalpolicy.org/security/sanction/indexun.htm](http://www.globalpolicy.org/security/sanction/indexun.htm)

**RELATIONSHIP BETWEEN DOMESTIC COURTS AND INTERNATIONAL CRIMES**

An increasing area of interest within the UN system involves the process of encouraging states to bring their national laws into compliance with international agreements, and to ensure that their domestic courts are properly enforcing international laws to which the state is a party. This effort has received special emphasis recently in two very different areas: the application of the International Criminal Court ICC , and the question of how international agreements on women’s rights are codified into national law. Domestic courts are also often mentioned in areas like small arms, children’s rights and human rights in general, but this paper will focus primarily on the ICC and women’s right issues.

International law, with only a few exceptions such as trade agreements rarely includes provisions for non

compliance with that law. Typically, the moral persuasive authority of the law, possibly combined with a threat of violence or of sanctions by one or more members of the international community if a nation abuses certain laws, are the only compliance mechanisms available. In most cases, nations obey international laws because they consider it to be in their best interests to do so, with the understanding that other nations will also be obeying these laws.

Thus in many cases, international law assumes the compliance of nations which ratify international agreements. In reality, this often translates into a significant influence by the domestic courts of each country on whether and how international law is enforced. In areas such as extradition, human rights including women’s and children’s rights , terrorism and sometimes even war crimes, domestic courts must often take the lead in enforcing international commitments made by states. The constitutions of many countries include provisions which accept all ratified international agreement as national law; some other countries must first put international agreements formally into law though legislative action before they take effect. Also, states with a federal model sometimes face additional challenges in implementing international agreements into law, as in some cases federal units like the fifty states comprising the US must each incorporate parts of an international agreement into the laws of their more limited territories. Regardless, according to the Vienna Convention on Treaties , which is widely recognized as customary law even for those states which are not parties, it is the responsibility of each state to enforce within its boundaries the international agreements which it ratifies.

It should be noted that no one topic typically covered by the 7<sup>th</sup> Committee deals with all of these issues. Rather the question of domestic application of international law is a cross cutting issue which arises in many different areas. Thus participants may wish to focus their research on documents related to the ICC and women’s rights, searching for documents on the areas in which domestic courts play a part in these issues.

*The International Criminal Court ICC*

One of the key questions remaining in the implementation of the ICC Statute involves working out how domestic courts will interact with the ICC. Article 17 of the Statute deals with “Issue of Admissibility,” particularly referring to the relationship between domestic courts and the ICC. Three areas are listed in this article in which the court would not have jurisdiction:

- a if the case is being investigated or prosecuted by a state with jurisdiction over it;

- b if the case has been investigated by a state with jurisdiction, and that state decided not to prosecute on the basis of that investigation; or
- c if the person has already been tried for the conduct which is the subject of the complaint.

An important caveat to each of these subclauses, however, involves states which are “unwilling or unable genuinely to carry out the investigation or prosecution.”

Art. 17. a In these cases, the ICC could decide that it has jurisdiction over the crime in question. While unwillingness can be determined, a key issue in the implementation of the ICC Statute is the question of when a state is genuinely unable to carry out an investigation. This might involve a non functioning government, as many argue was the case in Somalia in the early 1990s, or it may be a case in which a corrupt or heavily politicized and biased judiciary makes a “genuine investigation” impossible. In each instance, however, the challenge for the ICC will be to carefully avoid the impression of politicization, or of being drawn into a domestic or international dispute which is political rather than legal.

### *Women’s Rights*

Integrating and mainstreaming the human rights of women, along with providing a gender perspective, have been primary foci of the UN system in recent years. This includes the work of many UN agencies, such as the Office of the United Nations High Commissioner for Human Rights, the Commission on Human Rights, the United Nations Population Fund and the United Nations Children’s Fund. Outside of the UN system, there is an increased understanding in recent years that national policies and laws, more than anything the UN system can do, will be largely responsible for the equality and advancement of the women living in each UN member state.

The Convention on the Elimination of All Forms of Discrimination against Women CEDAW has been ratified or acceded to by 113 countries as of this writing and its full implementation has been promoted by the Committee on the Elimination of Discrimination against Women. Nonetheless, the remaining challenge is to encourage each of these countries to fully implement CEDAW, and especially to integrate it into their national laws so that it can be enforced by domestic courts. This is an issue which is important in all areas of the world; industrialized countries, which may have more developed legal systems, can sometimes face a greater challenge than developing countries when attempting to put these laws into legislation, and then when enforcing them at the local level. The Committee on the Elimination of Discrimination Against Women receives regular country reports from all parties to CEDAW, and these provide

excellent details on implementation progress in each country.

The recent Beijing + 5 Conference platform provided many examples of the direction which governments are encouraged to take in implementing women’s rights. First, it notes that the implementation of the platform and of women’s rights issues into national law is the sovereign responsibility of each state. It also outlines many actions expected at the national level, including to “develop, review and implement laws and procedures to prohibit and eliminate all forms of discrimination against women and girls;” Para. 16 and to “treat all forms of violence against women and girls of all ages as a criminal offence punishable by law.” Para. 17.

The international community, in the platform and other instruments, also recognized many obstacles to the implementation of women’s rights on a national level. These include the need for improved legislation, policies, programmes and enforcement in the areas of violence against women and girls including domestic violence and the prosecution of perpetrators. Also, education for law enforcement, judicial, health care and welfare personnel is extremely important.

Other obstacles include discriminatory legislation, harmful traditional practices and persistent negative stereotyping of women. In addition, family, civil, penal, labor and commercial laws or codes in many states have still not fully integrated a gender perspective. This leads to a variety of legislative gaps, as well as lack of implementation and enforcement of legislation and regulations. According to the platform, together these serve to “perpetuate de jure as well as de facto inequality and discrimination, and in a few cases, new laws discriminating against women have been introduced.” Very often, illiteracy among women leads to lack of access to legal resources and information, thus further perpetuating gender bias. Additionally, a simple lack of awareness of the human rights of women by law enforcement officials and the judiciary exacerbates the issue, particularly when these parties fail to respect the rights of women as human beings. In many states there is also insufficient recognition of reproductive rights for women and girls. Finally, factors of race, language, ethnicity and other social considerations also serve to exacerbate women’s rights problems.

While many governments have made very positive strides in mainstreaming women’s rights into their national legal systems, no state has yet fully implemented all of the CEDAW provisions, and many states have a long way to progress.

Questions to consider from the perspective of your government on this issue include:

- In implementing the ICC Statute, is a state unable to carry out investigation or prosecution only if it does



not have a functioning government? If so, what constitutes a “functioning government?”

- Alternately, can rampant corruption or bias in the judiciary invalidate a state’s ability to carry out its own judicial process, and how can this be fairly determined?
- How can states be better encouraged to more quickly implement CEDAW provisions and other internationally recognized women’s rights into their national laws?
- What steps can be taken to better ensure that domestic courts are willing and able to enforce international agreements on women’s rights?

### **Bibliography:**

- “African Countries Explore Problem.” *UN Wire*, December .
- “Allay Asian Sovereignty Fears Essay.” *UN Wire*, May .
- “Countries Crack Down on Crimes Against Women.” *UN Wire*, October .
- “Legalization Trend Leaves Other Issues Unaddressed.” *UN Wire*, April .
- “New Law Cracks Down on Abuse of Women, Children.” *UN Wire*, February .
- “Not Considered a Crime in Many Countries.” *UN Wire*, August .
- “Pakistan, Jordan Under Pressure to Protect Women.” *UN Wire*, October .
- “Sierra Leone Ratifies Treaty; more.” *UN Wire*, June .
- “South Africa, Germany Ratify Statute; more.” *UN Wire*, November .
- “UN Committee Passes Action Plan; More.” *UN Wire*, October .
- “UN Initiatives Noted at US Conference.” *UN Wire*, March .
- “UN Panel Makes Recommendations.” *UN Wire*, August .

### *UN Documents:*

- A/S / /Rev. , Jun , Report of the Ad Hoc Committee of the Whole of the twenty third special session of the General Assembly Twenty third special session , Supplement No. Beijing + final report
- WOM/ , Mar , Commission on Status of Women Holds Panel Discussion on Obstacles and Issues Relevant to Women’s Empowerment
- GA/L/ , Oct , Legal Committee is Told of Link Between Observance of Geneva Conventions and Creation of International Criminal Court
- GA/ , Oct , Assembly Urges States to Repeal or Invalidate Laws with Extraterritorial Effect on Sovereignty, Free Trade, Navigation of Other States
- WOM/ , Mar , Needs of Girl Child Focus on Panel Discussions at Commission on Status of Women
- UN Press Briefing, Jun , Press Conference on Discriminatory Laws Against Women
- HR/CN/ , Apr , Human Rights Commission Concludes Debate on Promotion of Human Rights...
- WOM/ , Jan , Committee on Elimination of Discrimination Against Women Opens Twenty Second Session

### *Additional Web Resources:*

- ICC home page: [www.un.org/law/icc/index.html](http://www.un.org/law/icc/index.html)
- Preparatory Commission for the ICC: [www.un.org/law/icc/prepcomm/prepfra.htm](http://www.un.org/law/icc/prepcomm/prepfra.htm)
- Rome Statute: [www.un.org/law/icc/statute/romefra.htm](http://www.un.org/law/icc/statute/romefra.htm)
- UN Womenwatch page: [www.un.org/womenwatch/](http://www.un.org/womenwatch/)
- Beijing + homepage: [www.un.org/womenwatch/confer/beijing/](http://www.un.org/womenwatch/confer/beijing/) includes final report
- Commission on the Status of Women page: [www.un.org/womenwatch/daw/csw/](http://www.un.org/womenwatch/daw/csw/) includes country specific reports
- UNIFEM page: [www.unifem.undp.org/](http://www.unifem.undp.org/)

